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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
9 WESTERN DIVISION
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11) No. CV 09- -VBK
12)
13 Plaintiff,) STANDING ORDER
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15 v.)
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1 at the Edward R. Roybal Federal Building, 255 East Temple Street, Los
2 Angeles, CA 90012 no later than the next court day.]:

- 3 1. For any motion to dismiss the Complaint, or motion for summary
4 judgment: the motion and supporting papers, the opposition
5 papers, and the reply papers.
- 6 2. The Answer.
- 7 3. For any other motions: the motion or petition and supporting
8 papers, the opposition papers, and the reply papers.

9
10 In order to facilitate the just, speedy, and inexpensive
11 determination of this case, the parties shall comply with the following
12 instructions.

13 Both the Court and the attorneys bear responsibility for the
14 progress of litigation in the Federal Courts. This order applies to all
15 parties including those appearing pro se. To secure the just, speedy,
16 and inexpensive determination of every action, F.R.Civ.P. 1, all counsel
17 are ordered to familiarize themselves with the Federal Rules of Civil
18 Procedure and the Local Rules of the Central District of California.¹

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20 **IT IS FURTHER ORDERED:**

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23 ¹ Copies of the Local Rules are available on our website at
24 "<http://www.cacd.uscourts.gov>" or they may be purchased from one of the
25 following:

26 Los Angeles Daily Journal
27 915 East 1st Street
28 Los Angeles, CA 90012

West Group
610 Opperman Drive
Post Office Box 64526
St. Paul, MN 55164-0526

Metropolitan News
210 South Spring Street
Los Angeles, CA 90012

1 **1. Service of the Complaint:** The Plaintiff shall promptly serve
2 the Complaint in accordance with F.R.Civ.P. 4 and file the proofs of
3 service pursuant to Local Rule 5-3.1.

4 **2. Removed Actions:** Any answers filed in state court must be
5 attached to the Notice of Removal. Any pending motions must be re-
6 noticed as required by Local Rule 7.

7 **3. Presence of Lead Counsel:** Lead trial counsel shall attend any
8 proceeding before this Court, including all status conferences, as well
9 as settlement conferences.

10 **4. Rule 26(f) Meeting of Counsel:** Counsel for the parties shall
11 meet personally pursuant to FRCP 26(f) and applicable Local Rules in
12 anticipation of the court-ordered scheduling conference. FRCP 16(b).

13 **5. Joint Report of Rule 26(f) Meeting:** No later than fifteen (15)
14 court days before the Scheduling Conference, counsel shall file a Joint
15 Report of Rule 26(f) Meeting. **A conformed courtesy copy** of the Joint
16 Report shall be delivered to Judge Kenton's chambers on the Fifth Floor
17 of the Edward R. Roybal Federal Building, 255 East Temple Street, Los
18 Angeles, CA 90012, **by 4:00 p.m. on the date due.** A Joint Report which
19 is not timely filed or does not conform with this Order, FRCP 26(f), and
20 applicable Local Rules will interfere with preparation by the Court and
21 its staff, and may result in delays and/or the assessment of sanctions.

22 The Joint Rule 26(f) Report shall address the matters set forth in
23 FRCP 26(f) (some of which are enumerated below), and shall also contain
24 the following:

- 25 (a) A brief statement by each party, not to exceed one (1) page,
26 setting forth that party's factual summary of the case,
27 including the basis for any claims, counterclaims, or
28 defenses.

- (b) The basis for the Court's subject-matter jurisdiction.
- (c) A brief description of the key legal issues.
- (d) The realistic range of probable damages.
- (e) The likelihood of appearance of additional parties.
- (f) Whether all or part of the procedures of the Manual for Complex Litigation should be utilized.
- (g) A proposed discovery cut-off date. Note: this means the final day for completion of discovery, including resolution of all discovery motions.
- (h) What motions (other than discovery motions) are contemplated.
- (i) Prospects of settlement based on counsel's discussion at the Rule 26(f) meeting and any other communications.
- (j) Whether the trial will be a court or jury trial.
- (k) The estimated length of trial.
- (l) The name of the attorney(s) who will try the case.

6. Mandatory Settlement Procedure:

a. **ADR Pilot Program:** This Court is part of the Alternative Dispute Resolution (ADR) Pilot Program. For cases referred to ADR, counsel will be required to complete the ADR Questionnaire and file it at the time the Joint Report is filed. Counsel will thereafter have the option of completing a stipulation selecting the agreed-upon Settlement Officer, or having the Program Coordinator randomly select a Settlement Officer for the case.

b. **Cases not in the ADR Pilot Program:** In conformity with the Local Rules, counsel shall file the settlement procedure selection by the date given by the Court at the time of the Scheduling Conference. Available alternatives for consideration include:

(1) a settlement conference before an available Magistrate Judge willing to conduct the conference. Parties should contact the Courtroom Deputy Clerk, Roxanne Horan, at 213-894-1831, and provide the name of the requested Magistrate Judge. The Courtroom Clerk will then contact the requested Magistrate Judge's Courtroom Clerk to determine availability and dates.

(Note: the Court does not participate in settlements of cases on its own docket unless the parties elect to proceed to a jury trial);

(2) a settlement conference or mediation before an attorney selected from the Attorney Settlement Panel (list available from the Court's Website);

(3) the employment by the parties of a private judge, mediator or arbitrator.

7. Discovery: All discovery matters will be heard by Judge Kenton.

The decision of the Magistrate Judge shall be final.

8. Motions:

a. Time for Filing and Hearing Motions: Motions shall be filed in accordance with Local Rule 7; the next available motion date can be obtained from the Courtroom Deputy or the Filing Window. This Court customarily hears motions on **Tuesdays, commencing at 10:00 a.m.** Opposition and Reply Briefs, including all declarations and supporting documentation, will be rejected if not timely filed in accordance with the Local Rules. **No supplemental brief shall be filed without prior leave of Court. Local Rule 7-10.**

Adherence to the timing requirements is essential for the Court's preparation of motion matters.

1 **b. Pre-filing Requirement:** Counsel should take note of the
2 changes to the Local Rules affecting motion practice in the Central
3 District. Among other things, Local Rule 7-3 requires counsel to engage
4 in a pre-filing conference "to discuss thoroughly... the substance of
5 the contemplated motion and any potential resolution," and to confirm in
6 the notice of motion that such conference has taken place. Local Rule
7 7-3. Counsel should discuss the issues sufficiently that if a motion is
8 still necessary, the briefing may be directed to those substantive
9 issues requiring resolution by the Court. Counsel should resolve minor
10 procedural or other non-substantive matters during the conference.
11 **Failure to comply with Local Rule 7-3 and to set forth such compliance**
12 **in the notice of motion will result in the motion being vacated.**

13 **c. Length and Format of Motion Papers:** Memoranda of Points
14 and Authorities in support of or in opposition to motions shall not
15 exceed 25 pages. Replies shall not exceed 12 pages. Only in rare
16 instances and for good cause shown will the Court grant an application
17 to extend these page limitations.

18 **Typeface shall comply with Local Rule 11-3.1.1. NOTE:** If Times
19 Roman font is used, the size must be no less than 14; if Courier is
20 used, the size must be no less than 12. Footnotes shall be in typeface
21 no less than one size smaller than text size and shall be used
22 sparingly.

23 Filings that do not conform to the Local Rules and this Order will
24 not be considered.

25 **d. Courtesy Copies:** Counsel shall deliver a conformed
26 courtesy copy to all **reply** papers to Judge Kenton's chambers **by 4:00**
27 **p.m. on the date due.**

28 **e. Motions for Summary Judgment:** Before filing a motion for

summary judgment, counsel are strongly encouraged to review Chapter 14 of Schwarzer, Tashima & Wagstaffe, California Practice Guide: Federal Civil Procedure Before Trial (1998). To assist the Court, the moving party shall submit the required Statement of Uncontroverted Facts and Conclusions of Law as set forth in Form 14:C. The opposing party shall submit the required Statement of Genuine Issues as set forth in Form 14:D, responding first to each of the moving party's alleged uncontroverted facts, then listing any material facts in dispute, and citing to supporting evidence. **Note: Separate statements that fail to comply with the above format will not be considered.**

9. Proposed Orders: Each party filing or opposing a motion or seeking the determination of any matter shall serve and lodge a Proposed Order setting forth the relief or action sought and a brief statement of the rationale for the decision with appropriate citations. If the Proposed Order exceeds two pages, the proposing party shall also submit the document on a 3½-inch diskette compatible with WordPerfect 11.

10. Telephonic Hearings: The Court will conduct status conferences by telephone if any party outside the district so requests and all involved parties consent. The attorney requesting the telephonic hearing shall contact the Courtroom Deputy Clerk, Roxanne Horan, at 213-894-1831, at least one week prior to the date scheduled for the motion or conference to make the necessary arrangements.

A member of the Court's staff will place the conference call.

11. Ex Parte Applications: Counsel are reminded that ex parte applications are solely for extraordinary relief. See Mission Power Engineering Co. V. Continental Casualty Co., 883 F.Supp. 488 (C.D. Cal. 1995). Applications that fail to conform with Local Rules 7-19 and 7-19.1, **including a statement of opposing counsel's position**, will not be

1 considered. The Court considers ex parte applications on the papers and
2 usually does not set these matters for hearing. In addition to the
3 requirements of Local Rules 7-19 and 7-19.1, counsel for the moving
4 party shall serve opposing counsel by facsimile transmission and shall
5 notify opposing counsel that opposition papers must be filed no later
6 than 24 hours following such facsimile service. Counsel shall deliver
7 a conformed courtesy copy of moving, opposition, or notice of non-
8 opposition papers to Judge Kenton's chambers. The Courtroom Deputy
9 Clerk will notify counsel of the Court's ruling or a hearing date and
10 time, if the Court determines a hearing is necessary.

11 **12. Continuances:** Counsel requesting a continuance must lodge --
12 prior to the date to be continued -- a Proposed Stipulation and Order
13 including a detailed declaration of the grounds for the requested
14 continuance or extension of time. Local Rule 7-11. The Court grants
15 continuances only upon a showing of good cause, focusing on the
16 diligence of the party seeking the continuance and any prejudice that
17 may result if the continuance is denied. Failure to comply with the
18 Local Rules and this Order will result in rejection of the request
19 without further notice to the parties. **Proposed stipulations to**
20 **continue scheduling dates shall address the effect of such continuance**
21 **on any other dates previously set by the Court. Such stipulations do**
22 **not become effective unless and until signed by the Court. Parties**
23 **requesting conformed copies shall comply with Local Rule 11-4.5.**

24 **13. Communications with Chambers:** Counsel shall not attempt to
25 contact the Court or its chambers staff by telephone, letter, facsimile,
26 e-mail or by any other ex parte means. Local Rule 83-2.11. Counsel may
27 contact the **Courtroom Deputy, Roxanne Horan, at 213-894-1831**, with
28 appropriate inquiries. To facilitate communication with the Courtroom

1 Deputy, counsel should list their facsimile transmission numbers along
2 with their telephone numbers on all papers.

3 **14. Notice of this Order:** Counsel for Plaintiff shall immediately
4 serve this Order on all parties, including any new parties to the
5 action. If this case came to the Court by noticed removal, Defendant
6 shall serve this Order on all other parties.

7
8 DATED: _____
9 VICTOR B. KENTON
UNITED STATES MAGISTRATE JUDGE